

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18951. Surplus Funds.

For purposes of Government Code section 89519:

(a) Campaign funds raised after January 1, 1989, under the control of a candidate or elected officer shall be considered surplus campaign funds on the following dates:

(1) Incumbent Candidates: The date on which an incumbent candidate leaves any elective office for which the campaign funds were raised, or, if the candidate is defeated for reelection, the end of the postelection reporting period following his or her defeat, whichever is later. An incumbent candidate who wishes to use funds for a future election must transfer those funds to a new committee for a future election no later than this date.

(2) Non-Incumbent Defeated and Withdrawn Candidates: The end of the postelection reporting period following the election in which the candidate was defeated or from which the candidate withdrew. A defeated non-incumbent candidate or candidate who withdraws from an election who wishes to use funds for a future election must transfer those funds to a new committee for a future election no later than this date.

(3) Deceased Candidates: Funds belonging to a candidate who dies while in office or while running for office shall become surplus on the earlier of either June 30 or December 31 following the candidate's death.

(b) The "end of the postelection reporting period" means June 30 with respect to elections occurring in the first six months of the calendar year and December 31 for elections occurring in the latter six months of the calendar year.

(c) Campaign funds are "raised" at the time the funds are received, as disclosed on the

candidate's campaign statements pursuant to 2 Cal. Code Regs. section 18421.1.

(d) Campaign funds raised on or before January 1, 1989, which have been commingled with campaign funds raised after January 1, 1989, are presumed to have been raised after January 1, 1989.

(e) Except as provided by Government Code section 85315, campaign funds raised by: (1) a committee, other than a candidate controlled committee; (2) a candidate controlled ballot measure committee; or (3) a candidate on or before January 1, 1989, that are not commingled with funds raised after that date are not considered surplus funds for purposes of this section and are governed by Government Code sections 89511 through 89518 and 89520 through 89522.

Note: Authority cited: Section 83112, Government Code. Reference: Section 89519, Government Code.

HISTORY

1. New section filed 9-15-2003; operative 9-15-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 38). For prior history, see Register 95, No. 5.
2. Editorial correction of subsection (a)(1) (Register 2004, No. 29).
3. Amendment of subsections (a)(1)-(2) filed 10-26-2004; operative 11-25-2004 (Register 2004, No. 44).